

United States Bankruptcy Court
Eastern District of New York

FMTB BH LLC,
Plaintiff

Adv. Proc. No. 18-01052-cec

1988 MORRIS AVENUE LLC,
Defendant

CERTIFICATE OF NOTICE

District/off: 0207-1

User: atenerrie
Form ID: pdf000

Page 1 of 1
Total Noticed: 3

Date Rcvd: Dec 28, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 30, 2018.

pla +FMTB BH LLC, 1335 50 STREET, SUITE 2G, Brooklyn, NY 11219-6504

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
ust +E-mail/Text: ustregion02.br.ecf@usdoj.gov Dec 28 2018 18:50:27

Office of the United States Trustee, Eastern District of NY (Brooklyn Office),
U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, NY 10014-9449

ust +E-mail/Text: ustregion02.br.ecf@usdoj.gov Dec 28 2018 18:50:27 United States Trustee,
Office of the United States Trustee, U.S. Federal Office Building,
201 Varick Street, Room 1006, New York, NY 10014-9449

TOTAL: 2

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

ust* +United States Trustee, Office of the United States Trustee, U.S. Federal Office Building,
201 Varick Street, Room 1006, New York, NY 10014-9449

cd* +FMTB BH LLC, 1335 50 STREET, SUITE 2G, Brooklyn, NY 11219-6504

TOTALS: 0, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 30, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 28, 2018 at the address(es) listed below:

Abraham Neuhaus on behalf of Counter-Defendant FMTB BH LLC abeneuhaus@yahoo.com,
aneuhaus@szlawllp.com;an@neuyac.com;joezelmanovitz@aol.com

Abraham Neuhaus on behalf of Plaintiff FMTB BH LLC abeneuhaus@yahoo.com,
aneuhaus@szlawllp.com;an@neuyac.com;joezelmanovitz@aol.com

Brian J. Markowitz on behalf of Defendant 1988 MORRIS AVENUE LLC bmarkowitz@goldsteinhall.com

Brian J. Markowitz on behalf of Defendant 1974 MORRIS AVENUE LLC bmarkowitz@goldsteinhall.com

Brian J. Markowitz on behalf of Defendant 1821 TOPPING AVENUE LLC bmarkowitz@goldsteinhall.com

Brian J. Markowitz on behalf of Defendant 1143 FOREST AVENUE LLC bmarkowitz@goldsteinhall.com

Brian J. Markowitz on behalf of Defendant 700 BECK STREET LLC bmarkowitz@goldsteinhall.com

Daniel Robert Goldenberg on behalf of Counter-Claimant 1974 MORRIS AVENUE LLC

dgoldenbergs@goldsteinhall.com

Daniel Robert Goldenberg on behalf of Counter-Claimant 700 BECK STREET LLC

dgoldenbergs@goldsteinhall.com

Daniel Robert Goldenberg on behalf of Counter-Claimant 1143 FOREST AVENUE LLC

dgoldenbergs@goldsteinhall.com

Daniel Robert Goldenberg on behalf of Counter-Claimant 1821 TOPPING AVENUE LLC

dgoldenbergs@goldsteinhall.com

Daniel Robert Goldenberg on behalf of Counter-Claimant 1988 MORRIS AVENUE LLC

dgoldenbergs@goldsteinhall.com

Fred B. Ringel on behalf of Plaintiff FMTB BH LLC fbr@robinsonbrog.com,

cy@robinsonbrog.com;nfm@robinsonbrog.com

Joseph Zelmanovitz on behalf of Counter-Defendant FMTB BH LLC joezelmanovitz@aol.com,

aneuhaus@szlawllp.com

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Lawrence S. Hirsh on behalf of Plaintiff FMTB BH LLC lhirsch@robinsonbrog.com,

paralegals@robinsonbrog.com

TOTAL: 16

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

FMTB BH LLC,

Debtor.

-----X

FMTB BH LLC,

Plaintiff,

against

1988 MORRIS AVENUE LLC, 1974 MORRIS
AVENUE LLC, 700 BECK STREET LLC, 1143
FOREST AVENUE LLC, and 1821 TOPPING
AVENUE LLC,

Defendants.

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**FIRST AMENDED ADVERSARY
PROCEEDING DISCOVERY
PLAN AND SCHEDULING
ORDER**

Chapter 11

Case No. 18-42228-CEC

Adv. Pro No. 18-01052 (CEC)

This Adversary Proceeding Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. This case is not to be tried to a jury.
2. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed by October 15, 2018.
3. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed by October 1, 2018.
4. Fact Discovery
 - a. All fact discovery shall be completed by March 15, 2019.
 - b. Physical property inspection to be completed on January 21-22, ~~2018~~ **2019 (CEC)**.
 - c. Responses to outstanding discovery requests shall be served by January 11, 2019.
 - d. Non-expert depositions shall be completed by February 28, 2019.

- e. Requests to admit shall be served by March 15, 2019.
 - f. Any of the interim deadlines in paragraphs 4(b) through 5(c) may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 4(a).
5. Additional provisions agreed upon by the parties are attached hereto and made a part hereof.
6. **ALL DISCOVERY SHALL BE COMPLETED BY MARCH 15, 2019.**
7. All motions and applications shall be governed by the Court's Individual Practices, including the requirement of a pre-motion conference before a motion for summary judgment is filed.
8. Unless otherwise ordered by the Court, within 30 days after the date for the completion of discovery, or, if a dispositive motion has been filed, within 30 days after a decision on the motion, the parties shall submit to the Court for its approval a Joint Pretrial Order prepared in accordance with the Court's Individual Practices. The parties shall also comply with the Court's Individual Practices with respect to the filing of other required pretrial documents.
9. ~~The parties have conferred and their present best estimate of the length of the trial is~~
(CEC)
10. This Civil Case Discovery Plan and Scheduling Order may not be modified, or the dates herein extended without leave of the Court. (except as provided in paragraphs 4(f) and 5(d) above).
11. The next case management ***pre-trial (CEC)*** conference is scheduled for ***March 20, 2019 at 2:30 p.m.*** (~~The Court will set this date at the initial conference.)~~ ***(CEC)***)

**Dated: Brooklyn, New York
December 27, 2018**